

Remarks

This response is submitted within two months after the shortened statutory period of one month to respond to the office action dated October 3, 2003. Therefore, a petition and fee for an extension of time are filed with this response.

After this, the Claims that are pending prior to the entry of the amendments in this response are called "currently pending claims." This response cancels currently pending Claims 1-28. This response amends currently pending claims 29-30, 32, 35-36, and 38. This response adds new Claims 59-90. Upon amendment, the above-identified U.S. patent application will have two independent Claims (amended Claim 29 and new Claim 59) and 62 total Claims (currently pending Claims 31, 33-34, 37, 39-58, amended Claims 29-30, 32, 35-36, and 38 and new Claims 59-90). The Applicant previously paid for up to three independent claims and up to 58 total claims. Therefore, a fee is due for four excess total claims; and a check for this fee is enclosed herewith.

Support for amending currently pending Claim 35 can be found in, inter alia, originally filed claim 8.

Support for new Claims 59-90 can be found in, inter alia in:

New Claim 59: page 23 lines 2-16, page 32 last paragraph and page 33, whole, page 19, page 20 lines 1-4, page 28, detailed description of figure 15 and figure 15 wherein the in-seed expressed human lactoferrin has the same molecular weight of the commercial human lactoferrin, page 39 lines 26-37.

New Claim 60: Claim 29.

New Claim 61: Claim 30.

New Claim 62: Claim 31.

New Claim 63: Claim 32.

New Claim 64: Claim 35.

New Claim 65: Claim 36.

New Claim 66: Claim 37.

New Claim 67:Claim 38.

New Claim 68: Claim 1.

New Claim 69: see the support for new Claim 59, and Claims 4 and 5.

New Claim 70: see the support for new Claim 69, and Claim 6.

New Claim 71: see the support for new Claim 69, and Claim 7.

New Claim 72: see the support for new Claim 69, and Claim 8.

New Claim 73: see the support for new Claim 69, and Claim 9.

New Claim 74: see the support for new Claim 69, and Claim 10.

New Claim 75: see the support for new Claim 69, and Claim 11.

New Claim 76: see the support for new Claim 69, and Claim 12.

New Claim 77: see the support for new Claim 69, and Claim 13.

New Claim 78: see the support for new Claim 69, and Claim 1.

New Claim 79: Claim 23.

New Claim 80: Claim 15.

New Claim 81: Claim 16.

New Claim 82: Claim 17

New Claim 83: Claims 18-20 and pages 19, 20 lines 1-4, page 28, detailed description of figure 15, and page 39 lines 26-37.

New Claim 84: see the support for new Claim 83, and Claim 21.

New Claim 85: see the support for new Claim 83, and Claim 22.

New Claim 86: see the support for new Claim 83, and Claim 25.

New Claim 87: see the support for new Claim 83, and Claim 26.

New Claim 88: see the support for new Claim 83, and Claim 27.

New Claim 89: see the support for new Claim 83, and Claim 28.

New Claim 90: see the support for new Claim 83, and Claim 24.

While the Applicant traverses the outstanding restriction requirement, the Applicant nevertheless provisionally elects Invention V (Claims 29-35, 39, 41-63, 68-73, and 78-90) for prosecution on the merits.

If Claims 29-35, 39, 41-63, 68-73, and 78-90 are ultimately found to be allowable, then the Examiner should consider on the merits Claims 36-38, 40, 64-67, and 74-77 because these

claims are each directly dependent on an allowable elected base claim (Claim 29-35, 39, 41-63, 68-73, 78-89, or 90).

Under 35 U.S.C. § 121, the United States Patent and Trademark Office is authorized, but is not required to restrict an application to one invention if two or more independent and distinct inventions are claimed in one application. In view of the expenses that would be imposed upon the Applicant by multiple patent applications and multiple patents, it is believed that restriction requirements should be issued only when absolutely necessary; and the Applicant respectfully requests withdrawal of the outstanding restriction requirement.

The traversal of the restriction requirement and the remarks regarding the traversal are being submitted without prejudice. Neither the traversal of the restriction requirement nor the remarks regarding the traversal shall be interpreted as disputing the Examiner's suggestion that Inventions I, II, III, IV, V, and VI are patentably distinct.

It is submitted that the application is in condition for allowance. Allowance of the application at an early date is solicited.

This Response amends currently pending Claims 29, 30, 32, 35, 36, and 38; cancels currently pending Claims 1-28; and adds new Claims 59-90. The amendments, cancellations, and additions that are described in the preceding sentence were done to improve the wording of the claims and were not done to overcome the prior art, were not done to overcome rejections under 35 U.S.C. § 112, and were not done to overcome any other rejections or objections. The amendments, cancellations, and additions that are described in the first sentence of this paragraph shall not be considered necessary to overcome the prior art, shall not be considered necessary to overcome rejections under 35 U.S.C. § 112, and shall not be considered necessary to overcome any other rejections or objections.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents

POB 1450, Alexandria, VA 22313-1450 on

January 5, 2004

(Date of Deposit)

John Palmer

(Name of Person Signing)

(Signature)

January 5, 2004

(Date)

Respectfully submitted,



John Palmer  
Attorney for Applicant  
Reg. No. 36,885  
LADAS & PARRY  
5670 Wilshire Boulevard, Suite 2100  
Los Angeles, California 90036  
(323) 934-2300